

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10300-RWZ

ROSARIO GUZZI

v.

MICHAEL THOMPSON

ORDER ON MOTION FOR A CERTIFICATE OF APPEALABILITY

December 9, 2005

ZOBEL, D.J.

Petitioner sought habeas relief on the ground that the Commonwealth had failed to establish all the elements of the crime with which he was charged and that the trial court committed other constitutional errors. The petition was denied on the ground that it was late. Mr. Guzzi's conviction was final in September 1997. No events tolled the statute of limitations, and the limitations period thus expired in 1998. The petition was not filed until 2005.

Although petitioner should have the right to appeal my ruling, it does not present any issues as to which there is much doubt. Accordingly, the motion for a certificate of appealability is denied.

DATE

/s/ Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE